

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SUI-YANG HUANG,

Plaintiff,

-against-

ADVANCED BATTERY TECHNOLOGIES, INC.

Defendant.

Index No. 09 Civ. 8297 (HB) (MHD)

**NOTICE OF DEFENDANT
ADVANCED BATTERY
TECHNOLOGIES, INC.'S
MOTION TO DISMISS**

PLEASE TAKE NOTICE that, upon the Declaration of Fu Zhiguo in Support of Defendant Advanced Battery Technologies, Inc.'s Motion to Dismiss, dated December 4, 2009; the Declaration of Xianyun Li in Support of Defendant Advanced Battery Technologies, Inc.'s Motion to Dismiss, dated December 7, 2009; the Declaration of Mark David McPherson in Support of Defendant Advanced Battery Technologies, Inc.'s Motion to Dismiss, dated December 7, 2009; the exhibits thereto; the Memorandum of Law in Support of Defendant Advanced Battery Technologies, Inc.'s Motion to Dismiss, dated December 7, 2009; and all prior proceedings had herein, defendant Advanced Battery Technologies, Inc., by and through its attorneys, Morrison & Foerster LLP, 1290 Avenue of the Americas, New York, New York 10104, hereby moves this Court, before the Honorable Harold Baer, United States District Court Judge, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York New York, for an order either (a) dismissing this action on the grounds of *forum non conveniens*, or, in the alternative, (b) dismissing the tort and quasi-contract claims asserted in the Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), for failure to state a claim for relief.

Dated: New York, New York
December 7, 2009

MORRISON & FOERSTER LLP

By: s/Mark David McPherson
Mark David McPherson

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